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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 RONAL LOPEZ-SUASTEGUI,

14 Defendant.

Case No. 2:20-mj-00488-NJK

**Stipulation To Extend Deadlines To  
Conduct Preliminary Hearing And  
File Indictment**

**(Second Request)**

15  
16 IT IS HEREBY STIPULATED AND AGREED, by and between  
17 Nicholas A. Trutanich, United States Attorney, and Kimberly Frayn, Assistant United  
18 States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal  
19 Public Defender, and Raquel Lazo, Assistant Federal Public Defender, counsel for  
20 Ronal Lopez-Suastegui, that the Court reschedule the preliminary hearing in this case for no  
21 earlier than 90 days from the date of the filing of this stipulation. This request requires that the  
22 Court extend two deadlines: (1) that a preliminary hearing be conducted within 14 days of a  
23 detained defendant's initial appearance, see Fed. R. Crim. P. 5.1(c); and (2) that an information  
24 or indictment be filed within 30 days of a defendant's arrest, see 18 U.S.C. § 3161(b).  
25  
26

1 The Stipulation is entered into for the following reasons:

2 1. The government has made a plea offer in this case that requires defendant to  
3 waive specific rights and hearings in exchange for “fast-track” downward departure under  
4 USSG § 5K3.1. This offer will be withdrawn if it is not timely accepted before this matter is  
5 indicted and before a preliminary hearing is held.

6 2. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the  
7 preliminary hearing within a reasonable time, but no later than 14 days after the initial  
8 appearance if the defendant is in custody . . . .”

9 3. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a  
10 showing of good cause—taking into account the public interest in the prompt disposition of  
11 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more times  
12 . . . .”

13 4. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny  
14 information or indictment charging an individual with the commission of an offense shall be  
15 filed within thirty days from the date on which such individual was arrested or served with a  
16 summons in connection with such charges.”

17 5. Defendant needs additional time to review the presentence investigation report  
18 to make an informed decision as to how to proceed, including whether to accept the fast-track  
19 plea agreement.

20 6. Accordingly, the parties jointly request that the Court schedule the preliminary  
21 hearing in this case no sooner than 90 days from today’s date.

22 7. Defendant is in custody and agrees to the extension of the preliminary hearing  
23 deadline imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18  
24 U.S.C. § 3161(b), provided that the information or indictment is filed on or before the date  
25 ordered pursuant to this stipulation .

26 8. The parties agree to the extension of that deadline.

1           9.       This extension supports the public interest in the prompt disposition of criminal  
2 cases by permitting defendant to consider entering into a plea agreement under the United States  
3 Attorney's Office's fast-track program for § 1326 defendants.

4           10.      Accordingly, the additional time requested by this stipulation is allowed under  
5 Federal Rule of Criminal Procedure 5.1(d).

6           11.      In addition, the parties stipulate and agree that the time between today and the  
7 scheduled preliminary hearing is excludable in computing the time within which the defendant  
8 must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18  
9 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and  
10 (iv).

11           This is the second request for an extension of the deadlines by which to conduct the  
12 preliminary hearing and to file an indictment.

13           DATED this 21st day of August 2020.

14           RENE L. VALLADARES  
15           Federal Public Defender

              NICHOLAS A. TRUTANICH  
              United States Attorney

16           /s/ Raquel Lazo  
17           By \_\_\_\_\_  
18           RAQUEL LAZO  
              Assistant Federal Public Defender

              /s/ Kimberly Frayn  
              By \_\_\_\_\_  
              KIMBERLY FRAYN  
              Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

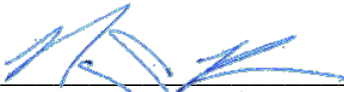
3 UNITED STATES OF AMERICA,  
4  
5 Plaintiff,  
6 v.  
7 RONAL LOPEZ-SUASTEGUI,  
8 Defendant.

Case No. 2:20-mj-00488-NJK  
**Order on Stipulation to  
Extend Deadlines to Conduct  
Preliminary Hearing and File Indictment**

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10 Based on the stipulation of counsel, good cause appearing, and the best interest of justice  
11 being served; the time requested by this stipulation being excludable in computing the time  
12 within which the defendant must be indicted and the trial herein must commence pursuant to  
13 the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal  
14 Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

15 IT IS ORDERED that the preliminary hearing currently scheduled for Thursday,  
16 September 24, 2020 at 4:00 p.m., be vacated and continued to November 30, 2020, at 4:00  
17 p.m., in Courtroom 3C.

18 DATED this 24<sup>th</sup> day of August 2020.

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21 \_\_\_\_\_  
22 NANCY J. KOPPE  
23 UNITED STATES MAGISTRATE JUDGE  
24  
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